

'08 MJ 8664

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA) Magistrate Case No.:
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) 21 U.S.C. § 952 and 960
) Importation of a Controlled
Ignacio MIRAMONTES-Pesqueria,) Substance (Felony)
)
Defendant.)

The undersigned complainant being duly sworn states:

That on or about July 19, 2008, within the Southern District of California, defendant Ignacio MIRAMONTES-Pesqueira did knowingly and intentionally import approximately 29.08 kilograms (63.97 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Hugo A. Leon
Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21ST
DAY OF JULY 2008.

[Signature]
PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Ignacio MIRAMONTES-Pesqueira

4 **PROBABLE CAUSE STATEMENT**

5 I, Special Agent Lance Swanson, declare under penalty of perjury, the following
6 is true and correct:
7

8 On July 19, 2008 at approximately 1426 hours, Ignacio MIRAMONTES-
9 Pesqueira entered the United States at the Calexico, California, West Port of Entry.
10 MIRAMONTES was the sole occupant driver and owner of a 1999 Chevy Lumina.
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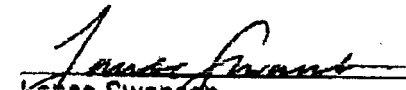
12 During the primary inspection Customs and Border Protection Officer (CBPO) D.
13 Torres received a negative Customs Declaration from MIRAMONTES. MIRAMONTES
14 identified himself as a United States Citizen using a California identification and birth
15 certificate. MIRAMONTES told the officer that he was the owner of the vehicle, and had
16 owned it for several months.
17

18 While inspecting the vehicle, CBPO D. Torres noticed that MIRAMONTES was
19 wearing dark sunglasses and appeared to be avoiding eye contact. When asked to
20 open the trunk by CBPO D. Torres, MIRAMONTES opened the glove box to look for the
21 trunk switch, but found there was no such switch. MIRAMONTES then checked the
22 driver's side floorboard area for the switch and again did not find one. MIRAMONTES
23 finally took the keys out of the ignition and opened the trunk. CBPO D. Torres asked
24 MIRAMONTES from whom he bought the vehicle. MIRAMONTES replied a friend
25 name Carlos, but did not know a last name. CBPO D. Torres also noticed a new lining
26 material under the dashboard that was out of place. CBPO D. Torres escorted
27 MIRAMONTES and the vehicle to secondary inspection.
28
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1 In the vehicle secondary lot, CBP K-9 Officer S. Barela was asked to screen the
2 vehicle with his Narcotics Detection Dog (NDD). CBP K-9 Officer K. S. Barela received
3 an alert from his NDD on the front bumper of the vehicle.

4 Upon further inspection, CBPO D. Torres discovered twenty-eight (28) packages
5 concealed in both front fenders of the vehicle. One of the packages was probed and a
6 sample of a green leafy substance was obtained, which field tested positive for
7 marijuana. The 28 packages had a combined net weight of approximately 29.08
8 kilograms (63.97 pounds).
9

10 Executed on 07/19/08 @ 7:31 pm
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14 Lance Swanson
15 Special Agent

16 One the basis of the facts presented in the probable cause statement consisting
17 of 2 pages, I find probable cause to believe that the defendant named in this probable
18 cause statement committed the offense on July 19, 2008 in violation of Title 21, United
19 States Code, Sections 952 & 960.
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24 United States Magistrate Judge

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